

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LINDA TOWNSEND-JOHNSON,

Plaintiff,

v.

No. 10-cv-00257 JCH/SMV

**RIO RANCHO PUBLIC SCHOOLS,
SUPERINTENDENT SUE CLEVELAND, and
ASSISTANT SUPERINTENDENT CARL LEPPELMAN,
in their official and individual capacities,**

Defendants.

**ORDER GRANTING JOINT MOTION TO STAY THE SCHEDULING ORDER
PENDING THE APPEAL**

THIS MATTER comes before the Court on the parties' Joint Motion to Stay the Scheduling Order [Doc. 33] Pending the Appeal of Judge Herrera's Memorandum Opinion and Order [Doc. 29] ("Motion to Stay"). An appeal in this case has been taken to the Court of Appeals for the Tenth Circuit regarding the qualified immunity of one of the individual Defendants. A stay is appropriate pending the resolution of an interlocutory appeal regarding qualified immunity. *See Stewart v. Donges*, 915 F.2d 572, 574 (10th Cir. 1990) (noting that the trial court should impose a stay because any judgment rendered during the pendency of appeal would be a "nullity").

IT IS ORDERED that the parties' Motion to Stay is GRANTED and that the Scheduling Order [Doc. 33] deadlines are stayed pending the Defendants' interlocutory appeal from this Court's partial denial of summary judgment based on qualified immunity grounds.

IT IS FURTHER ORDERED that the parties shall file a notice informing the Court at such time as the appeal concludes.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'S. Vidmar', is written over a horizontal line.

STEPHAN M. VIDMAR
United States Magistrate Judge